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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,187	07/27/2000	Peter Bilowol	A-7072	2683

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EXAMINER

CANFIELD, ROBERT

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/581,187

Applicant(s)

BILOWOL, PETER

Examiner

Robert J Canfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-43 is/are allowed.
- 6) ☒ Claim(s) 44-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

1. This action is in response to the request for continued examination received 03/28/03 and the supplemental amendments received 07/18/03 and 11/18/03. Claims 34-47 are pending. Claims 1-33 have been canceled.
2. The examiner acknowledges receipt of the supplemental IDS received 11/25/03. An initialed copy of the 1449 is attached. Note the Australia reference has been lined out as it has been previously cited and considered by the examiner on the PTO-892 form mailed 01/15/02 with the first Office action
3. The proposed drawing corrections received 07/17/02 with replacement sheets received 11/18/03 are approved.
4. Claim 35 is objected to because of the following informalities: "reinforcing means comprises" should be - - reinforcing members comprise - -. Appropriate correction is required.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,523,131 to Martin in view of U.S. Patent 2,099,260 to Colt.

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Martin provides a module for use in constructing a formwork comprised of spaced first and second wall sections 19 having peripheral flanges 20 extending from edges thereof, a plurality of openings in the wall sections, a plurality of ties 13/15 extending between the wall sections to secure the wall sections. The ties are comprised of rods 13 having an internally threaded bores 15 at each end and are secured to the wall sections with threaded fasteners 16. Figure 5 shows L-shaped wall sections. Flanges 20 include female openings for registering with male bolts to join modules together.

Martin fails to provide clips attached to the ties 13 to allow reinforcing members to be secured relative to the wall sections.

Colt teaches sleeve 22 having fingers 27 to form clips for holding reinforcing members on ties between wall sections in formwork. Page 3 lines 7+ suggest that element 22 may be used with ordinary tie-rods.

It would have been obvious at the time of the invention to one having ordinary skill in the art to have used element 22 of Colt on tie 13 of Martin to support reinforcing members. It would have been obvious in light of Colt's suggestion to use elements 22 with known ties.

7. Claims 34-43 are allowed as the prior art of record fails to teach or adequately suggest a module as claimed in claim 34 including reinforcing rod securement means **attached** to the rigid elongated members allowing vertical **and** horizontal reinforcing members to be secured relative to the wall sections.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J Canfield whose telephone number is 703-308-2482. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert Canfield



Robert Canfield  
Primary Examiner